GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Prohibition & Excise Department – Allegation of Corruption against Sri N.Kondala Rao, Proh., & Excise Constable and 3 others O/o the Dy. Commissioner of Prow., & Excise, Visakhapatnam – Acquitted in trail Court – Criminal Appeal No.454/2006 dismissed by the Hon'ble High Court – Further action dropped – Orders – Issued.

REVENUE (VIG.IV) DEPARTMENT

G.O.Rt No.728. Dated.14.08.2015.

Read the following.

1. From the DG, ACB, A.P., Hyd., Lr Rc No.98/RCT-VVP/97, dt.06.04.1998.
2. G.O.Ms No.785, Revenue (Excise) Dept., dated.12.10.1998.
3. G.O.Ms No.786, Revenue (Excise) Dept., dated.12.10.1998.
4. G.O.Ms No.787, Revenue (Excise) Dept., dated.12.10.1998.
5. G.O.Ms No.788, Revenue (Excise) Dept., dated.12.10.1998.
6. G.O.Ms No.789, Revenue (Excise) Dept., dated.12.10.1998.
7. G.O.Ms No.790, Revenue (Excise) Dept., dated.12.10.1998.
8. Orders of the Hon'ble Spl. Judge for ACB cases, Visakhapatnam dt.16.11.2001 in CRl.M.P.955/2000 in C.C.No.27/98 filed by Sri B.Bheemeswara Rao, Excise Constable (U/s).
9. From the DG, ACB Lr Rc No.98/RCT-WVP/1997-S.11,dated.04.05.2004.
10. Govt. Memo No.51683/Vig.V(1)/2001-7, Dated.24.11.2004.
11. Orders of the Hon'ble Special Judge for A.C.B. Cases, Visakhapatnam dt.16.04.2006 in C.C.No.27/1998.
12. Govt. Memo No.19387/Vig.V(1)/2005-3, dated.22.10.2005.
13. From the CPE, AP., Hyd., Lr Cr No.3959/2007/CPE/SR-II, dated.11.05.2007.
14. G.O.Rt No.1994, Rev(Vig.V) Dept., dated.13.09.2007.
15. From the DG, ACB, A.P., Hyd., Lr. Rc No.98/RCT-WVP/1997, dated.04.04.2015 along with the orders of the Hon'ble High Court dt.02.07.2014 in Crl. Appeal No.454/2006.

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O R D E R

In the reference 1st read above, the Director General, Anti Corruption Bureau, A.P., Hyd., has reported that the following P&E staff working in Visakhapatnam Dist., were trapped by the Anticorruption Bureau Officials on 23.06.1997, when they accepted bribe amount of Rs.10,000/- from the complainant for showing official favour of not booking cases against him and not harass him.

S/Sri

1. N.Kondala Rao(AO.1), P&E Constable, O/o DC, P&E Visakhapatnam.
2. B.Bheemeswara Rao(AO.2), P&E Constable, O/o DC, P&E Visakhapatnam.
3. D.Ananda Rao(AO.3), P&E Constable, P&E Check Post, Payakaraopeta, Visakhapatnam.
4. G.Rambabu(AO.4), P&E Constable, P&E Check Post, Payakaraopet, Visakhapatnam.
5. N.Nageswara Rao(AO.5), P&E Head Constable, Gudem Kothaveedhi Check Post, Visakhapatnam.
6. K.A.Vinay Kumar(AO.6), P&E Head Constable, Balighattam Check Post, Visakhapatnam.

2. Based on the final report of the DG, ACB, A.P., Hyd., Govt. after careful examination of the matter issued prosecution sanction orders against the above said P&E staff vide references 2nd to 7th read above.

3. Aggrieved by the above orders, Sri B.Bheemeswara Rao,(AO.2) , P&E Constable, O/o DC, P&E Visakhapatnam has filed C.L.M.P.No.955/2000 in C.C.No.27/1998 before the Spl. Judge for ACB Cases, Visakhapatnam to discharge him from the case. In the reference 8th read above, the Hon'ble Spl. Court for ACB Cases, Visakhapatnam ordered that the petition is allowed and the

petitioner A2 is discharged as absolutely there is no material against him to frame any charge.

4. Govt. after careful examination of the matter in consultation with the DG, ACB have issued orders to drop further action against Sri B.Bheemeswara Rao, P&E Constable vide reference 10th read above.

5. In the reference 11th read above, the Hon'ble Special Judge for ACB cases cum III Additional District & Sessions Judge, Visakhapatnam has pronounced orders in CC No.27/1998, held that the Accused Officers 1 and 3 to 6 are found not guilty of the charges under sec 7 and 13(2) r/w 13(1)(d) of P.C. Act, 1988 and read with 34 I.P.C and they are Acquitted.

6. In the reference 12th read above, Govt. have permitted the DG,ACB to prefer an appeal in the High Court of A.P. against the acquittal judgment dated. 15.04.2005 in C.C.No.27/98 by the Spl. Court for ACB cases, Visakhapatnam.

7. Whereas, in the reference 13th read above, the CPE, AP, Hyd., has reported that Sri G.Rambabu, P&E Constable, who was AO.4 in the instant case was expired on 29.10.2005 due to cancer and requested to issue further instructions in the matter.

8.. Govt. after careful examination of the matter, abated further action against Sri G.Rambabu, P&E Constable(AO.4) (Expired) vide GO Rt No.1994, Rev(Vig.V) Dept., dated.13.09.2007.

9. And whereas, in the reference 15th read above, the Hon'ble High Court in its orders date.02.07.2014 dismissed the Criminal Appeal by confirming the judgment of the trail court in C.C.No.27/1998.

10. The DG, ACB, in his letter 15th cited has opined that there are no grounds to prefer an appeal in the Supreme Court of India against the orders of High Court of Andhra Pradesh.

11. Govt. after careful examination of the entire matter in detail, have decided to drop further action against AO.1, AO.3, AO.5 and AO.6. Accordingly further action is hereby drop against the following P&E Constables/Head Constables in Visakhapatnam Dist.:-

1. Sri N.Kondala Rao(AO.1), P&E Constable, O/o DC, P&E Visakhapatnam.
2. Sri D.Ananda Rao(AO.3), P&E Constable, P&E Check Post, Payakaraopeta, Visakhapatnam.
3. Sri N.Nageswara Rao(AO.5), P&E Head Constable, Gudem Kothaveedhi Check Post, Visakhapatnam.
4. Sri K.A.Vinay Kumar(AO.6), P&E Head Constable, Balighattam Check Post, Visakhapatnam.

12. The Commissioner, Proh., & Excise , A.P., Hyderabad is requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF THE ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Proh., & Excise, A.P., Hyderabad.
The Deputy Commissioner, Proh. & Excise Dept., Visakhapatnam.
The Individuals concerned through the CPE, AP., Hyderabad.
Copy to:
The Director General, Anti Corruption Bureau, AP., Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Deputy Treasury Officer, Visakhapatnam.
The Revenue (Excise.I) Department.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER